
**Public Safety & Emergency Preparedness
Committee**

SSB 5026

Brief Description: Regarding the collection of biological samples for DNA identification analysis from individuals whose convictions are the result of a plea agreement.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala and Brandland).

Brief Summary of Substitute Bill

- Expands the deoxyribonucleic acid (DNA) identification system to include information from all adults convicted pursuant to a plea agreement if the original charge was a crime for which samples are currently collected upon conviction and the court finds probable cause for the original charge.

Hearing Date: 3/17/09

Staff: Lara Zarowsky (786-7123)

Background:

The Washington State Patrol (WSP) operates and maintains a deoxyribonucleic acid (DNA) identification system. The purpose of the system is to help with criminal investigations and to identify human remains or missing persons. County and city jails are responsible for collecting biological samples for DNA analysis from offenders incarcerated in their facilities. The Department of Corrections and the Department of Social and Health Services are responsible for collecting biological samples for DNA analysis from offenders incarcerated in their facilities. Local police and sheriff's departments are responsible for collecting biological samples for DNA analysis from offenders who do not serve any term of incarceration.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Biological samples must be collected from any person convicted of a felony, sex and kidnapping offenders required to register on or after June 2008, and any person convicted of the following misdemeanors and gross misdemeanors:

- assault in the fourth degree with sexual motivation;
- communicating with a minor for immoral purposes;
- custodial sexual misconduct in the second degree;
- failure to register;
- harassment;
- patronizing a prostitute;
- sexual misconduct with a minor in the second degree; and
- violation of a sexual assault protection order.

If a DNA profile is already included in the database from the offender in question, another biological sample need not be collected.

Summary of Bill:

A biological sample must be collected from all adult offenders convicted pursuant to a plea agreement, provided that the crime originally charged was one for which a biological sample must currently be collected upon conviction, and the court finds probable cause for the original charge.

Appropriation: None.

Fiscal Note: Requested on March 10, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.